IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 3322 OF 2007

IN

FIRST APPEAL NO. 1938 OF 2006

M/S. PRIYANKA ENTERPRISES AND ANR PETITIONERS.

VS.

THE STATE OF MAHARASHTRA & ORS. RESPONDENTS.

MR.GIRISH GODBOLE FOR THE APPLICANT.

MR. K.K.TATED GP FOR THE RESPONDENTS.

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CORAM : J.N.Patel and A.A.Sayed, JJ.

DATE : August 8, 2007.

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P.C.

1. Heard.

2. This is an application by the Decree Holder praying for withdrawing the amount deposited by the Respondents, on furnishing Bank Guarantee of the Federal Bank.

3. On 19.8.2006 this Court did pass an Order

permitting the applicant - decree holder to withdraw the amount, on furnishing Bank Guarantee of the Nationalised Bank to the satisfction of the Trial Court. Therefore, we are not inclined to entertain such a request that in lieu of Guarantee from a Nationalised Bank, Guarantee of any other Scheduled Bank or Co-operative Bank may be permitted to be furnished.

4. As such the application stands rejected and disposed of accordingly.

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[J.N.Patel, J.]

[A.A.Sayed, J.]